

COPY

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

WILLIAM R. DAVIS, as executor	:	
of the estate of James W. Davis,	:	
Sr., deceased,	:	
	:	
Plaintiff, Counterclaim-	:	C.A. No.: 05-288 (KAJ)
Defendant,	:	
	:	
v.	:	
	:	
RAYMOND JAMES & ASSOCIATES, INC.,	:	
	:	
Defendant, Crossclaim-	:	
Defendant,	:	
	:	
and	:	
	:	
CHRISTINE M. POFFENBARGER,	:	
	:	
Defendant, Counterclaim-	:	
Plaintiff, Crossclaim-	:	
Plaintiff and	:	
Third-Party Plaintiff,	:	
	:	
v.	:	
	:	
WILLIAM R. DAVIS, JAMES W. DAVIS,	:	
JR., and LINDA M. TROUTT, and	:	
STAR ENTERPRISE, INC.,	:	
	:	
Third-Party Defendants.	:	

STIPULATION OF PARTIAL DISMISSAL, REMAND AND ORDER

COMES NOW, all parties to the above referenced litigation, by and through their respective attorneys, and hereby stipulate as follows:

1. The Third-Party Complaint filed by Christine M. Poffenbarger against Star Enterprise, Inc., William R. Davis, James W. Davis, Jr. and Linda M. Troutt shall be dismissed as to all Third-Party Defendants with prejudice.

2. Since the Third-Party Complaint has been dismissed and all federal questions resolved, pursuant to 28 U.S.C. §1441(c), the remaining issues concerning the IRA are hereby remanded to the Delaware Court of Chancery as Civil Action Number 873-N.

3. The interpleaded funds from Raymond James & Associates, Inc. deposited with Wachovia Bank in an interest bearing account, opened in the following name, "Clerk of the Court of the United States District Court for the District of Delaware, Civil Action No.: 05-288" (the "Interpleaded Funds"), shall also be remanded to the Court of Chancery of the State of Delaware in and for New Castle County.

4. The parties agree to cooperate to take the necessary steps to transfer the Interpleaded Funds to the Court of Chancery of the State of Delaware in and for New Castle County for Civil Action No: 873-N. The Interpleaded Funds shall remain on deposit after transfer to the Court of Chancery until further Order of that Court.

GORDON, FOURNARIS & MAMMARELLA, P.A. CROSS & SIMON, LLC

**/s/ Peter M. Sweeney**

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DATE: January 17, 2006

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DATE: January 17, 2006

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Executor of the Estate of James W.  
Davis, Sr., and individually,  
James W. Davis, Jr. and  
Linda M. Troutt

DATE: January 17, 2006

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IT IS SO ORDERED this 18<sup>th</sup> day of Jan., 2006.



The Honorable Kent A. Jordan